

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:
	:
ROBERT SCOTT	:
an individual,	:
	:
Plaintiff,	:
	:
vs.	:
	:
WORLDSTARHIPHOP, INC.,	:
BERKELEY COLLEGE,	:
	:
Defendants.	:
	:
-----X	

Case No. 10-CV-9538 (PKC/RLE)

**Defendant Worldstar
Hip Hop, Inc.'s
Answer to
Amended Complaint**

Defendant Worldstar Hip Hop, Inc. ("Defendant Worldstar Hip Hop"),
wrongly sued as Worldstarhiphop, Inc., by and through its attorneys, Zarin &
Associates P.C., answers Plaintiff Robert Scott's ("Plaintiff Scott") Amended
Complaint as follows:

PARTIES

1. Defendant Worldstar Hip Hop denies knowledge and information
sufficient to form a belief as to the truth or falsity of the allegations contained in
paragraph 1 of the Amended Complaint.

2. Defendant Worldstar Hip Hop admits the allegation contained in
paragraph 2 of the Amended Complaint that Defendant is a Nevada corporation,
but denies the remaining allegations in this paragraph.

3. Defendant Worldstar Hip Hop admits the allegation contained in paragraph 3 of the Amended Complaint that Defendant is a corporation operated by Lee Q. Odenat, but denies the remaining allegations in this paragraph.

4. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 4 of the Amended Complaint.

5. Defendant Worldstar Hip Hop denies the allegation contained in paragraph 5 of the Amended Complaint that Defendant “illegally published the work” at issue in violation of Plaintiff’s rights, but denies knowledge and information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph.

6. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 6 of the Amended Complaint.

JURISDICTION

7. Defendant Worldstar Hip Hop admits the allegation contained in paragraph 7 of the Amended Complaint that the Court has subject matter jurisdiction over Plaintiff’s copyright infringement claim, but this allegation as it relates to any other claims Plaintiff has asserted against Defendant.

8. Defendant Worldstar Hip Hop denies the allegations contained in paragraph 8 of the Amended Complaint.

VENUE

9. Defendant Worldstar Hip Hop denies the allegations contained in paragraph 9 of the Amended Complaint.

BACKGROUND

10. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 10 of the Amended Complaint.

11. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 11 of the Amended Complaint.

12. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 12 of the Amended Complaint.

13. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 13 of the Amended Complaint.

14. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 14 of the Amended Complaint.

15. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 15 of the Amended Complaint.

16. Defendant Worldstar Hip Hop admits the allegation contained in paragraph 16 of the Amended Complaint that, on or around November 19, 2010, it published on its website, www.worldstarhiphop.com, a video provided to it by Omar Seymour, but denies knowledge and information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph.

17. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 17 of the Amended Complaint.

18. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 18 of the Amended Complaint.

19. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 19 of the Amended Complaint.

20. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 20 of the Amended Complaint.

21. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 21 of the Amended Complaint.

22. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 22 of the Amended Complaint.

23. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 23 of the Amended Complaint.

24. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 24 of the Amended Complaint.

25. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 25 of the Amended Complaint.

26. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 26 of the Amended Complaint.

27. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 27 of the Amended Complaint.

28. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 28 of the Amended Complaint.

29. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 29 of the Amended Complaint.

30. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 30 of the Amended Complaint.

31. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 31 of the Amended Complaint.

32. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 32 of the Amended Complaint.

33. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 33 of the Amended Complaint.

34. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 34 of the Amended Complaint.

35. Defendant Worldstar Hip Hop denies the allegation contained in paragraph 35 of the Amended Complaint that, on or around December 4, 2010, he “secured registration of the copyright in the Work,” and denies knowledge and information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph.

36. Defendant Worldstar Hip Hop denies the allegations contained in paragraph 36 of the Amended Complaint.

37. Defendant Worldstar Hip Hop denies the allegation contained in paragraph 37 of the Amended Complaint that, on or around December 4, 2010, he “adequately register[ed] the Work” at issue with the United States Copyright Office, admits that he “notified” Defendant Worldstar Hip Hop that he was the copyright

holder of the Work and that he demanded Defendant Worldstar Hip Hop to cease and desist its use of the Work, but denies knowledge and information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph.

38. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 38 of the Amended Complaint that ownership of the Work at issue was “distinct from the ownership of the material object in which the work was embodied,” and denies the remaining allegations in this paragraph.

39. Defendant Worldstar Hip Hop denies the allegation contained in paragraph 39 of the Amended Complaint that, from December 4, 2010 through December 16, 2010, the Work at issue was “unlawfully published” by Defendant and that Defendant “didn’t comply with the statutory requirements of the Digital Millennium Copyright Act,” and denies knowledge and information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph.

40. Defendant Worldstar Hip Hop denies the allegation contained in paragraph 40 of the Amended Complaint that, beginning on December 4, 2010, Defendant “received adequate notice that Plaintiff, Robert Scott, held all the exclusive rights” to the Work and that the use of Plaintiff’s “picture, portrait, image and likeness” on Defendant’s website constitutes a violation of Plaintiff’s right to privacy, and denies knowledge and information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph.

41. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 41 of the Amended Complaint.

FIRST CAUSE OF ACTION
(Violation of Right to Privacy Pursuant to N.Y. Civil Rights Law)

42. Defendant Worldstar Hip Hop repeats and realleges each and every response contained in paragraphs 1 through 41 of this Answer as if fully set forth herein.

43. Defendant Worldstar Hip Hop need not respond to the allegations contained in paragraph 43 of the Amended Complaint because Plaintiff's right to privacy claim as it relates to Defendant Worldstar Hip Hop has been dismissed, but Defendant nonetheless denies the allegations contained in this paragraph to the extent that they relate to it and denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph to the extent that they do not relate to Defendant.

44. Defendant Worldstar Hip Hop need not respond to the allegations contained in paragraph 44 of the Amended Complaint because Plaintiff's right to privacy claim as it relates to Defendant Worldstar Hip Hop has been dismissed, but Defendant nonetheless denies the allegations contained in this paragraph to the extent that they relate to it and denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph to the extent that they do not relate to Defendant.

**SECOND CAUSE OF ACTION
(Negligent Infliction of Emotional Distress)**

45. Defendant Worldstar Hip Hop repeats and realleges each and every response contained in paragraphs 1 through 41 of this Answer as if fully set forth herein.

46. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 46 of the Amended Complaint.

47. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 47 of the Amended Complaint.

48. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 48 of the Amended Complaint.

49. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 49 of the Amended Complaint.

50. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 50 of the Amended Complaint.

THIRD CAUSE OF ACTION
(Sex Discrimination in Violation of 20 U.S.C. §1681)

51. Defendant Worldstar Hip Hop repeats and realleges each and every response contained in paragraphs 1 through 41 of this Answer as if fully set forth herein.

52. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 52 of the Amended Complaint.

53. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 53 of the Amended Complaint.

FOURTH CAUSE OF ACTION
(Retaliation for Filing a Sex Discrimination Complaint
in Violation of 20 U.S.C. §1681)

54. Defendant Worldstar Hip Hop repeats and realleges each and every response contained in paragraphs 1 through 41 of this Answer as if fully set forth herein.

55. Defendant Worldstar Hip Hop denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 55 of the Amended Complaint.

FIFTH CAUSE OF ACTION
(Copyright Infringement in Violation of 17 U.S.C. §101)

56. Defendant Worldstar Hip Hop repeats and realleges each and every response contained in paragraphs 1 through 41 of this Answer as if fully set forth herein.

57. Defendant Worldstar Hip Hop denies the allegations contained in paragraph 57 of the Amended Complaint.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The Amended Complaint fails to state a claim upon which relief can be granted.

Second Affirmative Defense

The Court lacks personal jurisdiction over Defendant Worldstar Hip Hop.

Third Affirmative Defense

Plaintiff lacks standing to bring his claim for copyright infringement.

Fourth Affirmative Defense

Plaintiff lacks the necessary ownership rights in the video Work at issue to bring his copyright infringement claim.

Fifth Affirmative Defense

Plaintiff lacks the prerequisite registration from the Copyright Office to assert his copyright infringement claim.

Sixth Affirmative Defense

Plaintiff's copyright infringement claim is barred by the Digital Millennium Copyright Act, 17 U.S.C. §512.

Seventh Affirmative Defense

Plaintiff's copyright infringement claim is barred by the doctrine of fair use.

Eighth Affirmative Defense

Plaintiff is estopped from asserting his copyright infringement claim.

Ninth Affirmative Defense

Plaintiff has waived his right to assert his copyright infringement claim.

Tenth Affirmative Defense

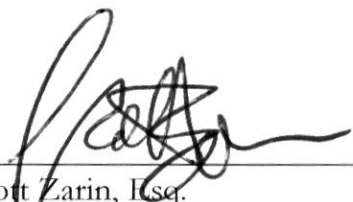
Plaintiff has acquiesced to Defendant's conduct.

Eleventh Affirmative Defense

Plaintiff is barred from asserting his copyright infringement claim due to his unclean hands.

WHEREFORE, Defendant Worldstar Hip Hop demands a judgment dismissing Plaintiff Scott's Amended Complaint, along with an award of costs, disbursements and reasonable attorney fees, in addition to such other relief as this Court deems just and proper.

Dated: June 11, 2012



Scott Zarin, Esq.
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Attorneys for Defendant
Worldstar Hip Hop, Inc.

Certificate of Service

I, Scott Zarin, declare, under penalty of perjury, that on June 11, 2012, I caused to be served in *Scott v. Worldstarhiphop, Inc.*, S.D.N.Y. Case No. 10-9538, via e-mail and First Class U.S. Mail:

Defendant Worldstar Hip Hop, Inc.'s Answer to Amended Complaint

on *pro se* Plaintiff:

Robert Scott
127 East 117th Street, Apt. 3E
New York, NY 10035
robertscott117@live.com

6/11/12

